

PATENT
S.N. 09/927,670
7485/65582

REMARKS

Reconsideration of the application is respectfully requested. The independent claims have been amended to define the invention more precisely. It is respectfully submitted that the rejections are not properly applicable to the claims as amended and resubmitted.

Claims 1-8, 10-14, 17 and 18 are rejected under 35 U.S.C. §103 (a) as being unpatentable over Richardson (Pat. No. 4,619,386) in view of Fisherman (Pat. No. 5,176,438). Dependent claim 15 is rejected under 35 U.S.C. §103 (a) as being unpatentable over Richardson in view of Fisherman and further in view of Managed (Pat. No. 5,025,353). In explaining the rejections, the Office Action states at page 2: "Richardson discloses all of the limitations of the claimed invention except for the retractable light." On page 4, it is stated that "...the features upon which applicant relies (i.e., reading stand or table" are not recited in the rejected claim(s)."

The passages in the Office Action quoted above cannot be applied to the claims as amended. The amended claims specify that the base is formed with upper and lower sides and that the lower side of the base is constructed for placement on a reading stand or table. That characterization of the structure of the lower side of the base is supported by the disclosure at the bottom of page 6 of the specification.

The Richardson apparatus is not constructed in that manner. The bottom of Richardson's base 14 is connected to support arms 16. Those support arms 16 and other structure as shown in the bottom view of Fig. 10 of the patent make it very clear that the lower side of Richardson's base is not constructed for placement on a reading stand or table. The support arms 16 would

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mar the surface of a reading stand or table, and the blocks 80, 82 and 84 would cause the base to rock in a disconcerting way, especially about the block 84, if the apparatus were employed on a reading stand or table and a user's hand put any weight on the proximate edge of the apparatus.

It cannot be validly contended that the structure 16, 80, 82 and 84 should all be omitted from the Richardson structure in view of the disclosures in Fisherman or Fisherman and Managed. Such a modification of Fisherman's apparatus would render it useless for its intended purpose; that structure is the very structure required to mount the vehicle desk container on the dashboard of a vehicle, which is the whole point of Fisherman's invention. It cannot be omitted on the basis of any teaching in the prior art. The suggestion to omit it is found only in this application.

For the reasons stated, the application is in condition for allowance. No further search is required, and the amendment can properly be entered as being directed to subject matter already searched. It is respectfully requested that the Examiner enter this amendment and issue a Notice of Allowance.

Respectfully submitted,
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